

### **REMARKS**

The Office Action dated October 18, 2005, and the Advisory Action dated March 14, 2006, have been received and carefully noted. The Response filed March 2, 2006, the above amendments, and the following remarks are submitted as a full and complete response thereto.

Claims 1, 3, 17, 19-22, 24, and 26-31 are currently pending in the application, of which claim 1 is an independent claim. Claim 1 has been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1, 3, 17, 19-22, 24, and 26-31 are submitted for consideration.

The Response filed March 2, 2006, included amendments to claims 1 and 3 as well as cancellation without prejudice of claims 5-16 and 23. As noted in the Request for Continued Examination (RCE) transmittal, Applicant respectfully requests entry of those amendments. Further, the claim listing included herewith assumes entry of the amendments of March 2, 2006.

Claim 31 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action alleges that the specification does not adequately teach how to linearize the output of the acceleration sensor with respect to a change in capacitance by selecting a number of pairs of electrodes and their orientations. Applicant asserts that paragraphs [0053] to [0055] of the specification detail how pairs of electrodes can be used to linearize the capacitance change. The specification also details how pairs of electrodes can be used as redundant sensors. In

both cases, Applicant asserts that it would be clear, to one of ordinary skill in the art, how to use the pairs of electrodes to linearize the capacitance change. M.P.E.P. 2164 details that “detailed procedures for making and using the invention may not be necessary if the description of the invention itself is sufficient to permit those skilled in the art to make and use the invention.” As such, Applicant submits that the limitations in claim 31 are fully enabled by the description and requests reconsideration and withdrawal of the rejection.

The Advisory Action repeated this same rejection. Applicant respectfully submits that one of ordinary skill in the art would understand how to select pairs of electrodes and their orientations, such that the pairs of electrodes would be linearised with respect to a change in capacitance, based on the disclosure of the specification cited above and the knowledge of one of ordinary skill in the art. Applicant respectfully notes that Applicant is entitled to rely on the knowledge of one of ordinary skill in the art for purposes of enablement. As *In re Fisher*, 427 F.2d 833, 166 USPQ 18 (CCPA 1970) indicates, the amount of guidance or direction needed to enable the invention is inversely related to the amount of knowledge in the state of the art. As MPEP 2164.04 indicates, the burden to provide a reasonable basis to question enablement is on the Examiner. Applicant respectfully submits that asserting that the claim is not enabled does not qualify as a “reasonable basis.”

The Advisory Action also objected to the term “at least one pair of electrodes is selected symmetrically in relation to axes of symmetry” in claim 1. Claim 1 has been amended to clarify that if only one pair of electrodes is selected, it is not necessary that they be selected symmetrically in relation to more than one axis of symmetry. It is thus respectfully requested that this rejection be withdrawn.

Claims 1, 3, 5, 7-10, 12-17, 19-24 and 26-31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 was alleged to be indefinite since the limitation “the pairs of electrodes” at line 9 lacks proper antecedent basis. Claim 1 was amended to overcome this rejection in the response filed March 2, 2006. Thus, Applicant requests that the rejection be withdrawn. Claim 3 was alleged to be vague and indefinite. Claim 3 likewise was amended to overcome this rejection. Thus, Applicant requests that this rejection also be withdrawn.

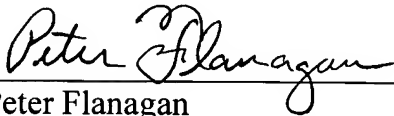
Claims 1, 3, 5, 7-10, 12-15 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,154 of Negoro (“Negoro”). Claims 17, 19-22, 24, 26-28 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Negoro. Claims 16, 23 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Negoro in view of U.S. Patent No. 4,736,629 of Cole (“Cole”). Applicant respectfully traverses these rejections for the reasons explained in the remarks included in the Response filed March 2, 2006, which are hereby incorporated by reference. It is therefore respectfully requested that these arguments be considered.

As noted previously, claims 1, 3, 17, 19-22, 24, and 26-31 recite subject matter that is neither disclosed nor suggested in the cited references. It is therefore respectfully requested that all of claims 1, 3, 17, 19-22, 24, and 26-31 be allowed and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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